

Appln. No. 10/003,789
Amendment dated Feb. 18, 2005
Reply to Office action of Nov. 18, 2004
Docket No. BOC9-2001-0037 (280)

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of November 18, 2004 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraph 2 of the Office Action, the Examiner has rejected claims 1, 2, 9, 10, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,730 to Chow, *et al.* (Chow) in view of U.S. Patent No. 6,424,945 to Sorsa (Sorsa). In paragraph 3, the Examiner has rejected claims 3-7 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Chow in view of Sorsa and in further view of U.S. Patent No. 6,560,576 to Cohen, *et al.* (Cohen). In paragraph 4, the Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Chow in view of Sorsa in view of Cohen and in further view of U.S. Patent No. 5,623,539 to Bassenyemukasa, *et al.* (Bassenyemukasa).

In response to the Office Action, Applicants have amended claims 1 and 9 to clarify that the voice browser is provided by a voice server, that the application level component is provided by an application server communicatively linked to the voice server, and that a telephony connection is established between the calling party, the conferenced party, and the voice browser computing element. These amendments are supported by FIG. 1, items 215, 230, 235, and 240 and elsewhere throughout the specification. Applicants have also amended claims 2 and 10 to clarify that the application level component is a voice markup application, as supported by FIG. 1, item 240 and as supported throughout the specification. No new matter has been added responsive to these claim amendments.

Prior to addressing the rejections on the art, it may be helpful for the Applicants to clarify their claimed invention, focusing upon why it is distinct from the referenced art

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and from conventional solutions. Applicants claim and teach a technology where an additional caller can be added to an existing voice browsing session by initiating an outbound call from within the voice browsing session to the additional caller. For example, a caller involved in an automated IVR communication can conference in another caller to participate in the IVR session. Consequently, participants in a voice browsing session can conference additional callers at will using application level components. That is, Applicants teach an extension to a voice-markup (like VoiceXML) programming environment. More specifically, Applicants claimed teachings provide a technique involving intelligent stream management to extend a voice-markup programming environment to support dynamic multiparty calls.

Chow teaches a method and system for using mobile telephony phones in conjunction with a wireless centrix service. Chow's teachings are for the purpose of untethering communication systems to physical lines and to communicate between wireless user-interface devices (phones) located in one or more wireless centrix service, as noted at column 2, lines 15-20 and FIGS 1A-1C. The centrix service can include a conferencing feature. The centrix service relies upon conventional conferencing technologies and conventional switch-based implementation of the same.

More specifically, the centrix service can include a conference call feature, as noted in the eleven lines between column 8, line 65 and column 9, line 8 of this one-hundred and ten column patent, which does not provide specific details other than the switch based architecture upon which Chow depends on how a conference call feature is to be implemented. Chow (despite its length) is silent with respect to voice browsers. Chow is further silent regarding the use of application level components in any fashion.

Sorsa discloses a method where users can interact with an automated system (IVR) via a voice channel. Sorsa teaches a conventional means to use a voice browser to enable

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a user to interact with an automated system via voice input/output. The purpose of Sorsa is to teach a solution for providing IVR services where accurate speech recognition is achieved through a modest processing capability and memory resources, where the speech recognition uses grammars having a limited size, as noted by column 2, lines 25-55. Sorsa is silent as to conference calling.

Coher. discloses a voice browser for providing user-specific help. The purpose of Cohen is to maintain a usage history to assist a user requesting help via an audible interface. Cohen is silent with respect to teleconferencing.

Bassenyemukasa teaches a method to utilize voice signal analysis to identify authorized users of a telephone system. The purpose of Bassenyemukasa is to prevent telephone related fraud, as noted by column 2, lines 25. Bassenyemukasa is silent with respect to teleconferencing.

Applicants have outlined each referenced patent and its purpose in order to show that combining the references in the manner suggested is improper for 35 U.S.C. § 103(a) purposes. Applicants note from MPEP 2143.01 that (1) the fact that references can be combined or modified is not sufficient to establish a prima facie obviousness and that (2) the fact that the claimed invention is within the capabilities of one of ordinary skill in the art to implement is not sufficient by itself to establish prima facie obviousness. That is prior art must suggest the desirability of a combination before the combination is proper for 35 U.S.C. § 103(a) purposes.

In other words, motivation to combine cannot include knowledge gleaned from the Applicant's own disclosure, as noted by *In re McLaughlin*, 443 F2d 1392 (CCPA 171). Additionally, the level of skill in the art cannot be relied upon to provide the suggestion to combine references, as noted by *Al-Site Corp. v. VSI Int'l Inc.*, 174 F3d 1308 (Fed. Cir. 1999). Instead, in determining the propriety of the Patent Office case for

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obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification, as noted by In re Linter, 458 F.2d 1013, 1016 (CCPA 1972).

The Examiner provided the following reasons or suggestions for combining the art in the present office action:

- * combining Chow and Sorsa "in order to conference additional callers into an established voice browsing session within an application without relying upon hardware and saving on additional cost of hardware" from paragraph 2.

- * combining Chow and Sorsa and Cohen "to allow other participants in the conference refer to other participant by his or her associates identifier" from paragraph 3.

- * combining Chow and Sorsa and Cohen and Bassenyemukasa because "discriminating whose voice in a conference or telephone conversation is desirable" from paragraph 4.

Applicants note that none of these suggestions were presented within Chow, Sorsa, Cohen, and/or Bassenyemukasa. Further, none of the combinations proposed further the purpose of Chow (untethering phones from lines), Sorsa (accurate ASR via small grammars and limited resource ASR processing devices), Cohen (audible interface user help), and/or Bassenyemukasa (voice analysis for enhanced security). Thus, no proper motivation to combine the references in the manner suggested has been provided to the Applicants.

Moreover, it is believed that the attempted combinations impermissibly conflict with MPEP rules regarding reference combinations found in MPEP section 2143.01. Specifically, (1) a proposed modification cannot render prior art unsatisfactory for its

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intended purpose and (2) the proposed modification cannot change the principle of operation of a reference.

As noted at between column 8, line 65 and column 9, line 8 of Chow, Chow teaches that a centrix system can utilize a conference bridge (hardware switch) to conference calls, in accordance with the architectures shown in FIG. 1A-1C and processes of FIG. 3-8 and 11-54. None of these architectures or processes teach switching with application level components. Modifying the presented architecture (FIG. 1A-1C) as suggested by the Examiner while maintaining the functionality for which Chow is presented (processes shown by FIGS. 3-8 and 11-54), would require inventive acts not taught by Chow, Sorsa, Cohen, or Bassenyemukasa nor obvious to one of ordinary skill in the art. Applicants are not aware of how such a combination could be performed without rendering one or more of the processes shown by FIGS. 3-8 and 11-54 inoperative. Further, to the Applicants knowledge a voice-markup programming environment (telephony network services provided via AIN type components) is fundamentally different from the architecture taught by Chow, which requires a PBX conferencing hub (local hardware-level switching)..

Even assuming such a modification were possible, it would definitely require the principle of operation of Chow (hardware based conferencing involving a conference bridge and a WCS) to be changed, which is not permissible under MPEP 2143.01 rules.

Additionally, modifying Sorsa in a manner so that speech processing tasks are performed using voice server 215 and application server 235 as claimed by the Applicants, would render Sorsa unsatisfactory for its intended purpose (providing IVR services where accurate speech recognition is achieved through a modest processing capability and memory resources, where the speech recognition uses grammars having a limited size). Appreciably, network level ASR involving a voice browser and speech

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engines is a dialog turn-based structure requiring computing intensive equipment, not equipment having "modest processing capabilities". From MPEP 2143.01, the Examiner is to weigh the suggestive power of Sorsa's teachings that conflict with the proposed modification against the suggestive power of each reference, which in this case is weak if non-existent.

Further yet, in asserting 35 U.S.C. § 103 rejections, each reference is to be considered "as a whole". Therefore from MPEP 2141.02, in determining differences between the prior art and the claims, the question is not whether the differences THEMSELVES (emphasis from MPEP) would have been obvious, but whether the claimed invention AS A WHOLE (emphasis from MPEP) would have been obvious. Considering each of the references as a whole against the invention as a whole, it becomes evident that no common thread runs through the invention and the cited references other than the mere fact that all are within the field of telephony. Different architectures, different technologies, and different purposes are present in each. The only possible way to combine these references as suggested is to extract piecemeal segments from each out of context, utilizing the Applicants own disclosure as the guide for binding these extracted segments. Such a piecemeal aggregation of steps is impermissible under MPEP 2141.02.

For all of the above reasons, it is improper to combine teachings of Chow with Sorsa to reject claims 1, 2, 9, 10, 14, and 16 under 35 U.S.C. § 103(a). It is also improper to combine teachings of Chow, Sorsa, and Cohen to reject claims 3-7 and 11-13 under 35 U.S.C. § 103(a). Additionally, it is improper to combine teachings of Chow, Sorsa, Cohen, and Bassenyemukasa to reject claim under 35 U.S.C. § 103(a). Applicants respectfully request the rejections to claims 1-16 be withdrawn on this basis.

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Even though the Application should now be in a condition for allowance, Applicants shall take the opportunity to point out specific differences between the claimed invention and the reference art to show that the referenced art fails to explicitly or implicitly teach each claimed limitation.

Referring to claims 1 and 9, Chow fails to teach explicitly or implicitly establishing a conference between a calling party and a voice browser provided by a voice server using an application level component provided by an application server.

The Examiner concedes that Chow does not teach providing an application level component for conferencing. Further, the Examiner concedes that Chow does not teach voice browsing. All Chow teaches is that a conference bridge (hardware switch) can conference phones, which is contrary to the claimed limitation.

Sorsa's teachings that a user can interact with a voice application using a mobile terminal fails to cure the deficiencies of Chow. As Chow requires a conference bridge (in a PBX and not within a telephony network element like the voice browser 120 of Sorsa) the references cannot be combined to teach a functional conferencing methodology involving the voice browser.

At very least, Chow and Sorsa combined fail to teach explicitly or implicitly the claimed limitation of establishing a conference between a calling party and a voice browser provided by a voice server using an application level component provided by an application server. Accordingly, the rejections to claims 1 and 9 and claims dependant upon them (claims 1-5 and 9-15) should be withdrawn, which action is respectfully requested.

Referring to claims 2 and 10, Applicants claim the step of conferencing using an application level component that is a voice markup application, which is not explicitly or implicitly taught by Chow, Sorsa, or a combination thereof.

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Referring to claim 6, Applicants claim a call processing system with conferencing capabilities, a voice data stream manager, and a voice browser. The Examiner has failed to convey how each of these three claimed components are obvious in light of the provided references. That is, no references from the cited art have been provided as teaching these claimed components. Applicants respectfully request that the reasoning for the rejection be clarified and the Applicants be given an opportunity to respond to these clarified grounds of rejection, or that the rejections to claim 6 and its dependent claims be withdrawn.

To elaborate upon the Applicants' confusion, Applicants note that in the Office Action, the Examiner states that claim 6 is rejected on the same bases as claim 1, which does not have equivalent limitations. The architecture of Chow admittedly fails to include a voice browser. The architecture of Sorsa fails to include a call processing system with conferencing capabilities. Further, Chow and Sorsa have different architectures.

Assuming the conferencing bridge of Chow is supposed to be combined with the Voice Browser of Sorsa in some fashion to achieve the limitations of claim 6, Applicants note that these two components are technologically incompatible (A PBX conferencing bridge and an AIN voice browser) cannot function together, at least not in accordance with the teachings of Chow and Sorsa. Accordingly, neither Chow, Sorsa, or combinations thereof teach a voice browser configured to provide said single voice data stream " <aggregated using another component taught by neither Chow nor Sorsa> to the called party <conferenced in by a component not taught or suggested by Sorsa>".

In summary, Applicants have shown that the claimed limitations of independent claims 1, 6, and 9 have not been explicitly or implicitly taught by Chow, Sorsa, Cohen, Bassenyemikasa, or combinations thereof. Applicants have further shown that no proper

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motivation exist to combine any of the references with one another, in the manner suggested by the Examiner. Applicants have also shown that attempts to combine the references in the manner suggested would both render the references unsatisfactory for their intended purposes and would alter the principles upon which the references operate. For each of these above reasons, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections to claims 1-16 be withdrawn.

In light of the reasons presented above, Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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